

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PAUL CASTONGUAY SR.,)	8:09CV221
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
DOUGLAS COUNTY,)	
)	
Defendant.)	

This matter is before the court on its own motion. On September 1, 2009, the court conducted an initial review, finding that Plaintiff's Complaint failed to state a claim upon which relief may be granted. (Filing No. [12](#).) However, the court granted Plaintiff until October 1, 2009, to file an amended complaint. (*Id.*) In particular, the court required Plaintiff to adequately plead, in accordance with the standard set forth in *Jane Doe A v. Special Sch. Dist. of St. Louis County*, 901 F.2d 642, 645 (8th Cir. 1990), that Defendant had an official policy or custom that violated his rights. (Filing No. [12](#) at CM/ECF pp. 3-4.)

On September 8, 2009, Plaintiff filed an Amended Complaint. (Filing No. [14](#).) As with his original Complaint, Plaintiff's Amended Complaint fails to allege sufficient facts to state a claim upon which relief may be granted against Defendant under the *Jane Doe* standard. For these reasons, and for the reasons set forth in the court's October 1, 2009 Memorandum and Order, this matter is dismissed.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice for failure to state a claim upon which relief may be granted.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

November 3, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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